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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1705/98**of 28 July 1998**

concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Council Regulation (EC) No 2229/97

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 73g and 228a,

Having regard to Common Positions 97/759/CFSP⁽¹⁾ and 98/425/CFSP⁽²⁾ defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to Angola and aimed at inducing the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process in view of the relevant decisions of the Security Council of the United Nations, in particular its Resolutions 864 (1993), 1127 (1997), 1130 (1997), 1173 (1998) and 1176 (1998),

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided in its Resolutions 864 (1993), 1127 (1997) and 1173 (1998) that all States should take certain measures with regard to their economic relations with Angola in order to obtain the implementation by the 'União Nacional para a Independência Total de Angola' (UNITA) of its obligations under the 'Acordos de Paz', the Lusaka Protocol and the relevant Security Council Resolutions;

Whereas certain of these measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned, such territory being deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty;

Whereas the Security Council has also called upon the United Nations Member States to apply these measures notwithstanding the existence of any right or obligations

conferred or imposed by any international agreement signed, any contract entered into or any licence or permit granted before the adoption of the aforementioned Resolutions;

Whereas, therefore, the fourth ACP-EC Convention, signed at Lomé on 15 December 1989, to which the Community and Angola are parties, does not pose an obstacle to the application of the said Security Council measures;

Whereas the data contained in the Annexes to this Regulation concerning areas of Angola to which that State's administration has not been extended, points of entry in Angola for supplies of petroleum, petroleum products, aircraft and aircraft components, aircraft registered in Angola and places in Angola for aircraft to take off or land should be based on the data provided by the Government of Angola to the Committee created pursuant to Resolution 864 (1993) of the Security Council (the 'said Committee') and notified to the Member States of the United Nations by the said Committee;

Whereas the aforesaid Resolutions provide for certain exceptions to the restrictions imposed on the condition of prior approval of the said Committee;

Whereas the approval of the said Committee should be obtained through the competent national authorities of the Member States, whose names and addresses should, therefore, be made available and annexed to this Regulation;

Whereas, for reasons of expediency, the Commission should be empowered to supplement and/or amend the Annexes to this Regulation on the basis of pertinent notifications from the relevant Security Council Committee or, in the case of Annex VIII, the competent authorities of Member States;

Whereas the competent authorities of the Member States should be empowered to ensure compliance with the provisions of this Regulation on the freezing of funds and financial resources;

⁽¹⁾ OJ L 309, 12. 11. 1997, p. 8.

⁽²⁾ OJ L 190, 4. 7. 1998, p. 1.

Whereas there is a need for the Member States and the Commission to inform each other of the measures taken under this Regulation and other relevant information at their disposal in connection with this Regulation;

Whereas, for reasons of transparency and simplicity, the interruption of certain economic relations with Angola should be governed by only one legal instrument;

Whereas therefore, the provisions of Council Regulation (EC) No 2229/97 of 30 October 1997 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process⁽¹⁾, should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

TITLE I

Trade and provision of services

Article 1

The following shall be prohibited:

1. to import, be it directly or indirectly, diamonds originating in or coming from Angola into the territory of the Community which are not accompanied by a Certificate of Origin delivered by the Government of Unity and National Reconciliation of Angola;
2. to sell or supply petroleum and petroleum products listed in Annex I, whether or not originating in the Community, in the territory of Angola through points of entry other than those referred to in Annex IV;
3. to sell or supply the equipment used in mining or mining services listed in Annex II to persons or entities in the areas of Angola listed in Annex V;
4. to sell or supply motorised vehicles, including watercraft, or components or parts of such vehicles listed in Annex III to persons or entities in areas of Angola listed in Annex V;
5. to supply or make available in any form any aircraft or aircraft components to the territory of Angola other than through the points of entry referred to in Annex IV;

⁽¹⁾ OJ L 309, 12. 11. 1997, p. 1.

6. to provide ground or waterborne transportation services to persons or entities in areas of Angola listed in Annex V;
7. to provide engineering and maintenance services, certification of airworthiness, payment of new claims against existing insurance contracts or provision or renewal of direct insurance with respect to any aircraft registered in Angola other than those listed in Annex VI, or with respect to any aircraft which entered the territory of Angola other than through a point of entry referred to in Annex IV;
8. to permit any aircraft to take off from, land in or overfly the territory of the Community if it has taken off from or is destined to land at a place in the territory of Angola other than one listed in Annex IV;
9. to start or continue, in any form, any operational activity of any UNITA office.

TITLE II

Freezing of funds

Article 2

1. All funds and financial resources held outside the territory of Angola and belonging to either the 'União Nacional para a Independência Total de Angola' (UNITA) or to senior officials of that organisation or adult members of their immediate families listed in Annex VII, shall be frozen.
2. No funds or financial resources shall be made available, be it directly or indirectly, to or for the benefit of UNITA, senior officials of that organisation or adult members of their immediate families.
3. For the purpose of this Regulation:
 - (a) funds and financial resources shall mean both funds and financial assets of any kind, including cash, liquid assets, interest, dividends, other income on shares, bonds, debt obligations or other securities, and other value accruing to or from any such assets and funds derived or generated from any interest in property of either UNITA or senior officials of that organisation or adult members of their immediate families listed in Annex VII;
 - (b) freezing of funds and financial resources shall mean preventing any change in volume, amount, location, ownership, possession, character, destination or any other change that would enable the use of the funds and financial resources concerned.

Article 3

Without prejudice to Community rules on confidentiality, the competent national authorities set out in Annex VIII of the Member States shall have the power to require banks, other financial institutions and other bodies and persons to provide all relevant information necessary for ensuring compliance with Article 2.

TITLE III

Exceptions and general provisions*Article 4*

The prohibition of the transactions or activities referred to in Articles 1 and 2 shall not apply to cases of medical urgency or to flights of aircraft carrying food, medicine or supplies for essential humanitarian needs, on condition that, through the competent national authorities set out in Annex VIII, a prior approval has been obtained from the United Nations Security Council Committee created pursuant to Resolution 864 (1993).

Article 5

The participation, knowingly and intentionally, in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in Article 1 or to circumvent the provisions of this Regulation shall be prohibited.

Article 6

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Article 7

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 July 1998.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in order to give effect to Article 4 of Regulation (EC) No 2229/97.

Article 8

The Commission and the Member States shall inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and other enforcement problems or judgments made by national courts.

Article 9

The Commission is hereby empowered to supplement and/or amend the Annexes on the basis of the information and notifications supplied by the competent authorities of the United Nations, the Government of Unity and National Reconciliation of Angola or, in the case of Annex VIII, the Member States.

Any supplements or amendments made pursuant to the first subparagraph shall be published in the *Official Journal of the European Communities*.

Article 10

Regulation (EC) No 2229/97 is hereby repealed and replaced by the provisions of this Regulation.

Article 11

This Regulation shall apply within the territory of the Community including its air space and on any aircraft or any vessel under the jurisdiction of a Member State and to any person elsewhere who is a national of a Member State and any body which is incorporated or constituted under the law of a Member State.

Article 12

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

For the Council

The President

W. SCHÜSSEL

ANNEX I

Petroleum products referred to in Article 1(2)

CN code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0,75 % of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphalties and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3823 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts

*ANNEX II***Equipment used in mining or mining services, referred to in Article 1(3), such as**

CN code	Product description
8429	Self-propelled bulldozers, angle-dozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery for earth, minerals or ores; pile drivers and pile extractors
8431	Spare parts suitable for use solely or principally with the headings 8425 and 8430
8474	Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances in solid form (including powder or paste)

Other items, equipment or services intended for use in mining or mining services.

ANNEX III

Motorised vehicles or watercraft or spare parts for such vehicles, referred to in Article 1(4), such as

(The items included in this list are in addition to military vehicles and equipment already banned by Resolution 864 (1993))

CN code	Product description
8407	Spark-ignition reciprocating or rotary internal combustion piston engines
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)
8409	Spare parts suitable solely or principally with engines of headings 8407 or 8408
8483	Transmission shafts
8601	Rail locomotives powered from an external source of electricity or by electric accumulators (batteries)
8602	Other rail locomotives; locomotives tenders
8603	Self-propelled railway or tramway coaches, vans and trucks
8604	Railway or tramway maintenance or service vehicles
8605	Other railway or tramway passenger coaches ... and other special purpose railway or tramway coaches
8606	Railway or tramway freight cars
8607	Parts of railway or tramway locomotives and rolling stock
8701	Tractors
8702	Public transport-type passenger motor vehicles
8703	Motor cars and other motor vehicles principally designed for the transport of persons
8704	Motor vehicles for the transport of goods
8705	Special purpose motor vehicles
8706	Chassis fitted with engines for motor vehicles
8707	Bodies (including cabs) for motor vehicles
8708	Parts and accessories for motor vehicles
8709	Works trucks, self-propelled
8711	Motorcycles
8714 11	Spare parts and accessories for vehicles in 8711
8714 19	Spare parts and accessories for vehicles in 8711
8716	Trailers and semi-trailers and spare parts thereof
8901	Cruise ships, excursion boats, ferry boats, cargo ships, barges and similar vessels for the transport of persons or goods
8902	Fishing vessels and factory ships
8903	Yachts and other vessels for pleasure or sports
8904	Tugs and pusher craft
8905	Light-vessels, fire-floats, dredgers, floating cranes and other vessels

ANNEX IV

Points of entry referred to in Article 1(2), (5), (7) and (8)

The airports of:

Luanda, and
Katumbela (Benguela province)

and

the ports of:

Luanda,
Malongo (Cabinda province),
Lobito (Benguela province) and
Namibe (Namibe province).

ANNEX V

Areas of Angola to which that State's administration has not been extended:

Andulo
Bailundo
Mungo
Nharea.

ANNEX VI

Aircraft referred to in Article 1(7):

ANNEX VII

List of UNITA persons established pursuant to paragraph 11 of Security Council Resolution 1127(1997):

ANNEX VIII

Names and addresses of competent national authorities referred to in Articles 3 and 4

(to be revised where necessary)

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Bundesaufsichtsamt (BAFA)
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**COUNCIL REGULATION (EC) No 1706/98
of 20 July 1998**

**on the arrangements applicable to agricultural products and goods resulting
from the processing of agricultural products originating in the African,
Caribbean and Pacific States (ACP States) and repealing Regulation (EEC) No
715/90**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

(1) Whereas the Fourth ACP-EC Convention signed at Lomé on 15 December 1989, hereinafter referred to as the 'Convention' was concluded for a 10-year period from 1 March 1990; whereas, however, provision was made for the possibility of amending the Convention in mid-term;

(2) Whereas in application of that provision, an agreement amending the said Convention was signed in Mauritius on 4 November 1995;

(3) Whereas transitional measures applicable until entry into force of the said agreement should be adopted in order to give effect in advance to some of these amendments to the Convention;

(4) Whereas Article 168(2)(a) of the Convention lays down that products originating in the ACP States and:

— listed in Annex II to the EC Treaty, where they come under a common organisation of the market within the meaning of Article 40 of the EC Treaty,

or

— subject, on import into the Community, to specific rules introduced as a result of the implementation of the common agricultural policy,

shall be imported into the Community, notwithstanding the general arrangements applied in respect of third countries, in accordance with the following provisions:

(i) those products, for which Community provisions in force at the time of import do not provide, apart from customs duties, for the application of any measure relating to their import, shall be imported free of customs duties;

(ii) for products other than those referred to under (i), the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products;

(5) Whereas Article 168(2)(d) of the Convention lays down that the arrangements referred to in subparagraph (a) of that paragraph shall enter into force at the same time as the Convention and shall remain applicable for its duration;

(6) Whereas it was agreed, following Council Decision 97/683/EC of 22 April 1997 approving the agreement in the form of an exchange of letters between the Community and the ACP States on Annex XL of the Fourth ACP-EC Convention concerning the joint declaration on agricultural products referred to in Article 168(2)(a)(ii) ⁽³⁾ and in accordance with Article 1(j) of Decision No 6/95 of the ACP-EC Council of Ministers of 20 December 1995 on transitional measures to be applied from 1 January 1996, that the arrangements provided for in Article 168(2)(a) concerning trade in agricultural and food products should apply to the ACP States which signed the agreement on the mid-term review of the Convention, from 1 January 1996, that is to say, before the date of entry into force of the amended Convention;

(7) Whereas the Regulations on the common organisation of the markets in the sectors concerned establish trade arrangements with third countries;

⁽¹⁾ OJ C 108, 7. 4. 1998, p. 17.

⁽²⁾ Opinion delivered on 13 July 1998 (not yet published in the Official Journal).

⁽³⁾ OJ L 287, 21. 10. 1997, p. 30.

- (8) Whereas, on the one hand, these trade arrangements only provide for the application of customs duties on import of a number of products; whereas, on the other hand, they involve the application of customs duties consisting in an *ad valorem* rate and a specific rate on certain kinds of meat and products processed from fruit and vegetables, and other measures in respect of imports of fishery products, certain fruit and vegetables, and oils and fats; whereas the obligations of the Community towards the ACP States under Article 168(2)(a) of the Convention may be fulfilled by granting total or partial exemption from customs duties for the products in question where they originate in the ACP States;
- (9) Whereas for the purposes of this Regulation, the term 'import duties' is to be defined in accordance with Article 20 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾;
- (10) Whereas it should be specified that the advantages resulting from Article 168(2)(a) of the Convention are accorded only to originating products within the meaning of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, annexed to the Convention, the early application of which was approved in Regulation (EEC) No 714/90⁽²⁾;
- (11) Whereas, furthermore, these advantages should be subject to certain conditions and limited to certain annual and multiannual quantities on a case-by-case basis;
- (12) Whereas the tariff advantages resulting from Article 168(2)(a) of the Convention are calculated on the basis of rates laid down in the Common Customs Tariff, and in accordance with the rules governing it; whereas they should, however, be calculated on the basis of the autonomous duty where, for the products concerned, no conventional duty is indicated, or where the autonomous duty is lower than the conventional duty;
- (13) Whereas there have traditionally been trade flows from the ACP States to the French overseas departments; whereas measures should therefore be introduced to encourage the import of certain products originating in the ACP States into the French overseas departments to cover local consumption requirements, including consumption following processing; whereas provision should be made for altering the arrangements governing access to the markets in products originating in the ACP States referred to in Article 168(2) of the Convention, particularly in the light of the said departments' economic development requirements;
- (14) Whereas it should be stipulated that the safeguard clauses provided for in the Regulations on the common organisation of the agricultural markets and in specific rules introduced as a result of the implementation of the common agricultural policy are applicable;
- (15) Whereas it was agreed when negotiating the mid-term review of the Convention that the amendments to the arrangements should be applicable from 1 January 1996; whereas consequently provision should be made for this Regulation to apply and for Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽³⁾ to be repealed from that date,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to products originating in the ACP States listed in the Annex.
2. The rules of origin applicable to products referred to in paragraph 1 imported from the ACP States shall be those in Protocol 1 annexed to the Fourth ACP-EC Convention.

TITLE I

Beef and veal

Article 2

The products referred to in Article 1 of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽⁴⁾, shall be imported free of *ad valorem* customs duties.

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1. Regulation as last amended by Regulation (EC) No 82/97 (OJ L 17, 21. 1. 1997, p. 1).

⁽²⁾ OJ L 84, 30. 3. 1990, p. 1.

⁽³⁾ OJ L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 2634/97 (OJ L 356, 31. 12. 1997, p. 13).

Where, in the course of a year, imports into the Community of products falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 or 1602 90 61, originating in an ACP State exceed, during a year, a quantity equivalent to the quantity of imports into the Community during whichever year between 1969 and 1974 Community imports of products of that origin were highest, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended.

In that event the Commission shall report to the Council which, acting by a qualified majority on a proposal from the Commission, shall determine the arrangements to be applied to the imports in question. Customs duties applicable to the import of homogenised preparations of meat, liver or blood of bovine animals falling within CN codes ex 1602 10 00, ex 1602 20 90 and ex 1602 90 10 shall be reduced by 16 %.

Article 3

Within the country-by-country and overall limits referred to in Article 4, specific rates of import duties (import duties other than customs duties), applied to products originating in the ACP States and referred to in Article 1(a) of Regulation (EEC) No 805/68 shall be reduced by 92 % of the specific rates of import duties (import duties other than customs duties) applicable on the day of import.

Article 4

1. The reduction in specific rates of import duties (import duties other than customs duties) provided for in Article 3 shall apply on a country-by-country basis per calendar year to the following quantities of boneless meat:

Botswana:	18 916 tonnes,
Kenya:	142 tonnes,
Madagascar:	7 579 tonnes,
Swaziland:	3 363 tonnes,
Zimbabwe:	9 100 tonnes,
Namibia:	13 000 tonnes.

The reduction applies to 52 100 tonnes against which the quantities exported by the countries in question will be charged up to the limit of the annual quotas indicated above.

If deliveries do not exceed this amount, the procedure provided for under paragraph 2 shall apply.

2. If an ACP State is not able to supply its annual quota as set out in paragraph 1 or if, as a result of an actual or predicted contraction of exports due to a disaster such as drought, a cyclone or disease affecting livestock, it does not wish to benefit from the possibility of delivery in the current or following year, a decision may be taken at its request, submitted by 1 September of each year at the latest, in accordance with the procedure referred to in Article 30, to reallocate the quantities laid down in paragraph 1 among the other States concerned, up to the limit of 52 100 tonnes.

TITLE II

Sheepmeat and goatmeat

Article 5

1. The products referred to in Article 1 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾ shall be imported free of *ad valorem* customs duties.

2. By way of derogation from paragraph 1,

(a) the specific amounts of customs duties fixed in the Common Customs Tariff applicable to imports of live sheep and goats, other than pure-bred breeding animals, falling within CN codes 0104 10 30, 0104 10 80 or 0104 20 90, and to meat of sheep and goats other than that of domestic sheep falling within CN codes 0204, 0210 90 11 or 0210 90 19, shall not be applied within the limits of an annual quota of 100 tonnes;

(b) the specific amounts of customs duties fixed in the Common Customs Tariff applicable to imports of meat from domestic sheep falling within CN codes 0204, 0210 90 11 or 0210 90 19 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year to be charged against the quantities fixed in Article 1 of Regulation (EEC) No 3013/89.

3. Customs duties applicable to the import of homogenised preparations of meat, liver or blood of sheep and goats falling within CN codes ex 1602 10 00, ex 1602 20 90 and ex 1602 90 10 shall be reduced by 16 %.

⁽¹⁾ OJ L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1589/96 (OJ L 206, 16. 8. 1996, p. 25).

TITLE III

Poultry and poultrymeat*Article 6*

1. The specific rates of import duties applicable to imports of live poultry, poultry fat, and poultry offal falling within CN codes 0105, 0209 00 90, 0210 90 71, 0210 90 79 and 1501 00 90 shall be reduced by 16 %.

2. The customs duties applicable to imports of poultrymeat falling within CN code 0207 shall be reduced by 65 % within the limits of a quota of 400 tonnes per calendar year.

3. The customs duties applicable to imports of prepared or preserved meat or offal falling within CN codes 1602 31, 1602 32 11, 1602 32 19, 1602 32 30, 1602 32 90 or 1602 39 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year.

TITLE IV

Milk and milk products*Article 7*

1. The customs duties applicable to imports of milk and cream, concentrated or containing added sugar or other sweetening matter, falling within CN code 0402 and to cheese and curd falling within CN code 0406 shall be reduced by 65 % within the limits of a quota of 1 000 tonnes per calendar year for all products in each of CN codes 0402 and 0406 respectively.

2. The customs duties applicable to imports of milk and milk products falling within CN codes 0401, 0403 10 11 to 0403 10 39, 0403 90 11 to 0403 90 69, 0404 10, 0404 90, 0405, 1702 11 00, 1702 19 00, 2106 90 51, 2309 10 15, 2309 10 19, 2309 10 39, 2309 10 59, 2309 10 70, 2309 90 35, 2309 90 39, 2309 90 49, 2309 90 59 and 2309 90 70 shall be reduced by 16 %.

TITLE V

Eggs*Article 8*

The customs duties applicable to imports of eggs of poultry falling within CN codes 0407 00 11, 0407 00 19, 0407 00 30 and of birds' eggs and egg yolks falling within CN codes 0408 11 80, 0408 19 81, 0408 19 89, 0408 91 80, 0408 99 80 shall be reduced by 16 %.

TITLE VI

Live pigs and pigmeat*Article 9*

1. The customs duties applicable to imports of domestic species of live swine other than pure-bred breeding animals falling within CN codes 0103 91 10, 0103 92 11 and 0103 92 19, of lard and other pig fat falling within CN codes 1501 00 11 and 1501 00 19, of prepared or preserved offal or blood of swine falling within CN codes 1602 10 00, 1602 20 90, 1602 41 10, 1602 42 10, 1602 49, ex 1602 90 10 and 1602 90 51, and of stuffed pasta falling within CN code 1902 20 30 shall be reduced by 16 %.

2. The customs duties applicable to imports of meat of swine, fresh or chilled, falling within CN codes 0203 11 10, 0203 12 11, 0203 12 19, 0203 19 11, 0203 19 13, 0203 19 15, ex 0203 19 55, with the exception of tenderloin presented alone, 0203 19 59, of frozen meat falling within CN codes 0203 21 10, 0203 22 11, 0203 22 19, 0203 29 11, 0203 29 13, 0203 29 15, ex 0203 29 55, with the exception of tenderloin presented alone, and 0203 29 59, of edible offal of domestic swine falling within CN codes 0206 30 21, 0206 30 31 and 0206 41 91, 0206 49 91, of pig fat falling within CN codes 0209 00 11, 0209 00 19, 0209 00 30, meat and edible meat offal, edible flours and meals of meat or meat offal of domestic swine falling within CN codes 0210 11 11 to 0210 11 39 and codes 0210 12 11, 0210 12 19 and codes 0210 19 10 to 0210 19 89 and 0210 90 39 shall be reduced by 50 % within the limits of an annual quota of 500 tonnes.

3. Customs duties applicable to imports of sausages and similar products of pigmeat, meat offal or blood falling within CN code 1601 00 shall be reduced by 65 % within the limits of a quota of 500 tonnes per calendar year.

TITLE VII

Fisheries*Article 10*

The products specified in Article 1 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, shall be imported free of customs duties.

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31. 12. 1994, p. 15).

TITLE VIII

Oils and fats*Article 11*

The products referred to in Article 1(2)(a) and (b) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, shall be imported free of customs duties.

TITLE IX

Cereals*Article 12*

1. The customs duties applicable to imports of maize falling within CN codes 0709 90 60, 0712 90 19, 1005 10 90 or 1005 90 00 shall be reduced by ECU 1,81 per tonne.

2. The customs duties applicable to imports of grain sorghum falling within CN code 1007 00 shall be reduced by 60 % up to a ceiling of 100 000 tonnes per calendar year.

3. No customs duties shall be charged on imports of millet falling within CN code 1008 20 00 up to a ceiling of 60 000 tonnes per calendar year.

4. If, in the course of a year, the ceilings fixed pursuant to paragraphs 2 and 3 are reached, the Commission may, by means of a Regulation, reintroduce the application of normal customs duties, reduced by 50 %, until the end of the period of validity.

5. The customs duties applicable to imports of wheat and rye flour falling within CN codes 1101 00 and 1102 10 00, groats and meal of wheat falling within CN code 1103 11 and pellets of wheat falling within CN code 1103 21 00 shall be reduced by 16 %.

6. The customs duties applicable to imports of wheat, rye, barley and oats falling within CN codes 1001 10 00, 1001 90 91, 1001 90 99, 1002 00 00, 1003 00 and 1004 00 00 and of buckwheat, canary seed, triticale and other cereals falling within CN code 1008 shall be reduced by 50 % within the limits of a quota of 15 000 tonnes per calendar year.

⁽¹⁾ OJ L 72, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16. 8. 1996, p. 11).

TITLE X

Rice*Article 13*

1. Within the limits of the quantities laid down in Article 14, the customs duties applicable to imports of rice falling within CN code 1006 shall be equal, per tonne of product:

(a) in the case of paddy rice, other than that intended for sowing, falling within CN codes 1006 10 21 to 1006 10 98, to the customs duties fixed by the Common Customs Tariff reduced by 65 % and by ECU 4,34;

(b) in the case of husked rice falling within CN code 1006 20, to the duty fixed pursuant to Article 11(2) of Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽²⁾ and Regulation (EC) No 1503/96 on the detailed rules for the application of the said Regulation⁽³⁾, reduced by 65 % and by ECU 4,34;

(c) in the case of semi-milled or wholly milled rice falling within CN codes 1006 30, to the duty fixed pursuant to Article 11(2) of Regulation (EC) No 3072/95 and Regulation (EC) No 1503/96, reduced by ECU 16,78, then by 65 % and by ECU 6,52;

(d) in the case of broken rice falling within CN code 1006 40 00, to the duty fixed by the Common Customs Tariff reduced by 65 % and by ECU 3,62.

2. Paragraph 1 shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction referred to in the said paragraph has been collected by the exporting country.

Article 14

1. The reduction in customs duties provided for in Article 13 shall be limited, per calendar year, to a quantity expressed as husked rice, of 125 000 tonnes of rice falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and of 20 000 tonnes of broken rice falling within CN code 1006 40 00.

Quantities of rice at other stages of processing than husked rice shall be converted at the rates laid down in Article 1 of Commission Regulation No 467/67/EEC⁽⁴⁾.

⁽²⁾ OJ L 329, 30. 12. 1995, p. 18. Regulation as amended by Regulation (EC) No 192/98 (OJ L 20, 27. 1. 1998, p. 16).

⁽³⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 204, 24. 8. 1967, p. 1. Regulation as last amended by Regulation (EEC) No 2325/88 (OJ L 202, 27. 7. 1988, p. 41).

2. Depending on the date of expiry of this Regulation, the quantities provided for in paragraph 1, expressed per calendar year, shall be calculated *pro rata* temporis.

TITLE XI

Cereal substitutes and products processed from cereals and rice

Article 15

1. The following products shall be imported free of customs duties:

- products falling within CN code 0714 10 91,
- sweet potatoes falling within CN code 0714 20 10,
- products falling within CN code 0714 90 11 and arrowroot falling within CN code ex 0714 90 19,
- flour and meal of arrowroot falling within CN code ex 1106 20,
- starch of arrowroot falling within CN code ex 1108 19 90,
- dog or cat food falling within CN codes 2309 10 11, 2309 10 31.

2. The customs duties applicable to imports of the following products shall be reduced:

- by ECU 6,19 per tonne for products falling within CN codes 0714 10 99 and 0714 90 19, excluding arrowroot,
- by ECU 8,38 per tonne for products falling within CN code 0714 10 10,
- by ECU 7,98 per tonne for products falling within CN code ex 1106 20 10, excluding flour and meal of arrowroot,
- by 50 % for products falling within CN codes 1108 14 00 and 1108 19 90, excluding starch of arrowroot,
- by ECU 29,18 per tonne for products falling within CN code ex 1106 20 90, flour and meal of sago or of roots or tubers falling within CN code 0714 other than denatured, excluding flour and meal of arrowroot.

3. For other products listed in Annex A to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the

common organisation of the market in cereals⁽¹⁾ and in Article 1(1)(c) of Regulation (EC) No 3072/95 the customs duties fixed in the Common Customs Tariff shall be reduced as follows:

- by ECU 7,3 per tonne for products falling within CN codes 1102 20 10, 1102 90 10, 1102 90 30, 1103 12 00, 1103 13 10, 1103 19 10, 1103 19 30, 1103 21 00, 1103 29 10, 1103 29 20, 1103 29 30, 1103 29 40, 1104 11 90, 1104 12 90, 1104 19 10, 1104 19 30, 1104 19 50, 1104 19 91, 1104 19 99, 1104 21 50 and 1104 30,
- by ECU 3,6 per tonne for products falling within CN codes 1102 20 90, 1102 30 00, 1102 90 90, 1103 13 90, 1103 14 00, 1103 19 90, 1103 29 50, 1103 29 90, 1104 11 10, 1104 12 10, 1104 21 10, 1104 21 30, 1104 21 90, 1104 21 99, 1104 22, 1104 23 and 1104 29,
- by ECU 24,8 per tonne for products falling within CN codes 1108 11 00, 1108 12 00 and 1108 13 00, 1108 14 00, 1108 19 90,
- by ECU 37,2 per tonne for rice starch falling within CN code 1108 19 10,
- by ECU 219 per tonne for wheat gluten falling within CN code 1109 00 00 and residues from the manufacture of starch from maize falling within CN code 2303 10 11,
- by ECU 117 per tonne for products falling within CN codes 1702 30 51, 1702 30 91 and 1702 90 75,
- by ECU 81 per tonne for products falling within CN codes 1702 30 59, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 79 and 2106 90 55,
- by ECU 7,2 per tonne for products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40,
- by ECU 10,90 per tonne for products falling within CN codes 2309 10 13, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51 and 2309 90 53.

TITLE XII

Fruit and vegetables

Article 16

1. The products listed below shall be imported free of customs duties:

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 1249/96 (OJ L 161, 29. 6. 1996, p. 125).

CN code	Description
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
0706 90	— Other:
0706 90 30	— — Horseradish (<i>Cochlearia armoracia</i>)
ex 0706 90 90	— — other:
	— salad beetroot
	— Radishes (<i>Raphanus sativus</i>) termed 'Mool' radishes
0707 00	— Cucumbers and gherkins, fresh or chilled
	— — cucumbers (*)
ex 0707 00 10	— Small winter cucumbers (*) (*)
ex 0707 00 15	
ex 0707 00 20	
ex 0707 00 35	
ex 0707 00 40	
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled:
0709	Other vegetables, fresh or chilled:
0709 30 00	— Aubergines (egg plants)
0709 40 00	— Celery, other than celeriac
	— Mushrooms and truffles:
0709 51	— — Mushrooms:
0709 51 90	— — — other
0709 60	— Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> :
0709 60 10	— — Sweet peppers
0709 90	— other:
	— — Courgettes (*)
0709 90 71	— — — from 1 to 31 January
0709 90 73	— — — from 1 February to 31 March
0709 90 75	— — — from 1 April to 31 May
0709 90 77	— — — from 1 June to 31 July
0709 90 79	— — — from 1 August to 31 December
0709 90 90	— — other
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
	— walnuts:
0802 31 00	— — in shell
0802 32 00	— — shelled
0802 50 00	— Pistachios
0802 90	— Other
0802 90 10	— — Pecans
0802 90 50	— — Pine nuts
0802 90 60	— — Macadamia nuts
0802 90 85	— — other

CN code	Description
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:
0804 30 00	– Pineapples
0804 40	– Avocados
0804 50 00	– Guavas, mangoes and mangosteens
0805	Citrus fruit, fresh or dried:
0805 30	– Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i>):
0805 30 90	– – Limes (<i>Citrus aurantifolia</i>)
0805 40	– Grapefruit
0805 90 00	– other
0807 11 00	Melons (including watermelons):
0807 19 00	
0807 20 00	– Pawpaws (papayas)
0809 40 90	– – Sloes
0810	Other fresh fruit:
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>
0810 40 30	– – Fruit of the species <i>Vaccinium myrtillus</i>
0810 90	– other fresh fruit
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter:
0813 50	– mixtures of nuts or dried fruits of this chapter
	– – mixtures exclusively of dried nuts of heading Nos 0801 and 0802
0813 50 31	– – – Of tropical nuts
0813 50 39	– – – other

(*) The exemption applies only to the *ad valorem* component of customs duties.

(†) 'Small cucumbers' means cucumbers whose length does not exceed 15 cm.

2. Imports of the products listed below shall attract the customs duty indicated:

CN code	Description	Rate of duty (%)
0810 40	– Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i> :	
0810 40 50	– – Fruits of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i>	3
0810 40 90	– – other	5

Article 17

1. The customs duties applicable to imports into the Community of the products listed below shall be reduced within the limits indicated:

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) (tonnes) Reference quantity (RQ)
0702 00	Tomatoes, fresh or chilled:		
ex 0702 00 45	Cherry tomatoes		
0702 00 50	— from 15 November to 30 April	100 (*)	TQ 2 000
0702 00 15	Tomatoes, other than cherry tomatoes		
0702 00 20	— from 15 November to 30 April	60 (*)	TQ 2 000
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled		
0703 10	— Onions, shallots		
	— — Onions		
0703 10 19	— Other		
	from 1 February to 15 May	100	
	from 16 May to 31 January	15	
0703 20 00	— Garlic:		
	from 1 February to 31 May	100	
	from 1 June to 31 January	15	
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:		
0704 90	— other		
ex 0704 90 90	— — other		
	— Chinese cabbage,		
	from 1 November to 31 December	100	
	from 1 January to 30 October	15	
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium spp.</i>), fresh or chilled		
	— Lettuce:		
0705 11	— — Cabbage lettuce:		
	— — — from 1 April to 30 November		
ex 0705 11 05			
ex 0705 11 10	— Iceberg lettuce, from 1 July to 31 October	100	
ex 0705 11 80	— from 1 November to 30 June	15	
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:		
0706 10 00	— Carrots and turnips		
	— Carrots, from 1 January to 31 March	100	
	— from 1 April to 31 December	15	
0709	Other vegetables, fresh or chilled:		
0709 10	— Globe artichokes		
ex 0709 10 30	— from 1 October to 31 December	100	
0709 10 40			
0709 10 10			
0709 10 20	from 1 January to 30 September	15	
ex 0709 10 30			
0709 20 00	— Asparagus:		
	— from 15 August to 15 January	100	
	— from 16 January to 31 January	40	
	— from 1 February to 14 August	15	

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) (tonnes) Reference quantity (RQ)
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried:		
ex 0804 20 10	— — Figs, fresh: from 1 November to 30 April	100	TC 200
0805	Citrus fruit, fresh or dried:		
ex 0805 10	— Oranges, from 15 May to 30 September	100 (*)	RQ 25 000
	— from 1 October to 30 September	80 (*)	
ex 0805 20	— Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids:		
	— from 15 May to 30 September	100 (*)	RQ 4 000
	— from 1 October to 30 September	80 (*)	
0806	Grapes, fresh or dried:		
0806 10	— Fresh:		
	— — table grapes:		
	— — — from 1 January to 14 July		
ex 0806 10 10	— — — other:		
	— seedless table grapes		
	— from 1 January to 31 January	100	TQ 400
	— from 1 February to 31 March	100	RQ 100
	— — — from 21 November to 31 December		
	— — — — other:		
	— seedless table grapes:		
	— from 1 December to 31 December	100	TQ 400
0808	Apples, pears and quinces, fresh:		
0808 10	— Apples	50 (*)	TQ 1 000
0808 20	— Pears and quinces:		
ex 0808 20	— — Pears	65 (*)	TQ 2 000
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:		
0809 10	— Apricots:		
ex 0809 10 50	— from 1 September to 30 April	100	
ex 0809 10 10			
ex 0809 10 10			
0809 10 20	— from 1 May to 31 August	15 (*)	
0809 10 30			
0809 10 40			
ex 0809 10 50			
0809 20	— Cherries:		
ex 0809 20 11			
ex 0809 20 19	— from 1 November to 31 March	100	
ex 0809 20 71			
ex 0809 20 79			
0809 30	— Peaches, including nectarines:		
	— — from 1 December to 31 March	100	
	— — from 1 April to 30 November (*)	15 (*)	
	— — Plums		
0809 40 10	— — — from 15 December to 31 March	100	

CN code	Description	Reduction %	Quota (TQ) Ceiling (TC) (tonnes) Reference quantity (RQ)
0809 40 20 0809 40 30 0809 40 40 0809 40 10 0809 40 20 0809 40 30 0809 40 40	— — — from 1 April to 14 December (*)		
0810	Other fresh fruit:		
	— Strawberries:		
ex 0810 10 05	— — from 1 August to 31 April:		
ex 0810 10 80	— from 1 November to end February	100	TQ 1 600

(*) The exemption applies only to the *ad valorem* component of customs duties.

2. If imports of a product referred to in paragraph 1 exceed the reference quantity, a decision may be taken in accordance with the procedure provided for in Article 30 to make it subject to a ceiling equal to the reference quantity, having regard to the annual balance of trade in the product.

If a ceiling fixed in accordance with this paragraph is reached during the course of a year, the Commission may, by means of a Regulation, reintroduce until the end of the period of validity the customs duties applicable to third countries.

Article 18

The customs duties applicable to the products listed below shall be reduced by 16 %:

CN code	Description
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:
0703 10	— Onions and shallots:
0703 10 90	— — Shallots
0703 90 00	— Leeks and other alliaceous vegetables
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled:
0704 10	— Cauliflowers and broccoli
0704 20	— Brussels sprouts
0704 90	— Other
0704 90 10	— — White cabbages and red cabbages
0704 90 90	— — other cabbages
0705	Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.), fresh or chilled:
ex 0705 11	— Cabbage lettuce, not including Iceberg lettuce
0705 19 00	— — other lettuce
	— Chicory
0705 21 00	— — Witloof chicory (<i>Cichorium intybus</i> var. <i>Foliosum</i>)
0705 29 00	— — other chicory
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled:
ex 0706 10 00	— Turnips
0706 90	— Other:
	— — Celeriac (rooted celery or German celery)

CN code	Description
0706 90 05	— — — from 1 January to 30 April
0706 90 11	— — — from 1 May to 30 September
0706 90 17	— — — from 1 October to 31 December
0707 00	Cucumbers and gherkins, fresh or chilled:
	— Cucumbers, not including small cucumbers: (*)
ex 0707 00 10	— — from 1 January to end February
ex 0707 00 15	— — from 1 March to 30 April
ex 0707 00 20	— — from 1 May to 15 May
ex 0707 00 35	— — from 1 November to 10 November
ex 0707 00 40	— — from 11 November to 31 December
0707 00 90	— Gherkins
0709	Other vegetables, fresh or chilled:
	— Mushrooms and truffles:
0709 51	— — Mushrooms
0709 51 10	— — — of the genus <i>Agaricus</i>
0709 51 30	— — — Chanterelles
0709 51 50	— — — Flap mushrooms
0709 52 00	— — Truffles
0709 70 00	— Spinach, New Zealand spinach and orache spinach (garden spinach)
0709 90	— other:
0709 90 10	— — Salad vegetables, other than lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium</i> spp.)
0709 90 20	— — Chard (or white beet) and cardoons
0709 90 40	— — Capers
0709 90 50	— — Fennel
0802	Other nuts, fresh or dried, whether or not shelled or peeled:
	— Almonds
0802 11	— — in shell:
0802 11 90	— — — other
0802 12	— — shelled:
0802 12 90	— — — other
	— Hazelnuts or filberts (<i>Corylus</i> spp.):
0802 21 00	— — in shell
0802 22 00	— — shelled
0802 40 00	— Chestnuts (<i>Castanea</i> spp.)
0808	Apples, pears and quinces, fresh:
0808 20	— Pears and quinces:
0808 20 90	— — Quinces
0810	Other fresh fruit:
0810 20 10	— — Raspberries
0810 20 90	— — Blackberries, mulberries and loganberries
0810 30	— Black-, white- or redcurrants and gooseberries
0810 30 10	— — Blackcurrants
0810 30 30	— — Redcurrants and whitecurrants
0810 30 90	— — Gooseberries

(*) The exemption applies only to the *ad valorem* component of customs duties.

TITLE XIII

Sugar*Article 19*

1. The customs duties applicable to imports of molasses falling within CN code 1703 shall be reduced to zero within the limits of a quota of 600 000 tonnes per marketing year.

2. The customs duties applicable to imports of products falling within CN codes 1212 91 20, 1212 91 80, 1212 92 00, 1702 20 10, 1702 20 90, 1702 30 10, 1702 40 10, 1702 60 10, 1702 60 90, 1702 90 30, 1702 90 60, 1702 90 71, 1702 90 80, 1702 90 99, 2106 90 30 and 2106 90 59 shall be reduced by 16 %.

However, this reduction shall not be applied when the Community, in accordance with its Uruguay Round commitments, applies additional duties.

TITLE XIV

Products processed from fruit and vegetables*Article 20*

1. The products listed in Article 1 of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the market in products processed from fruit and vegetables⁽¹⁾ shall be imported free of customs duties.

2. Moreover, the specific components of customs duties shall not be applicable for products falling within the following CN codes:

2007 10 10, 2007 99 20, 2007 99 31, 2007 99 33, 2007 99 35, 2007 99 39, 2007 99 51, 2007 99 55, 2007 99 58, ex 2008 20, ex 2008 30, ex 2008 40, ex 2008 80, ex 2008 92, ex 2008 99, 2009 20 11, 2009 20 91, ex 2009 40, ex 2009 80 and ex 2009 90.

TITLE XV

Wine*Article 21*

The products listed below shall be imported free of customs duties:

CN code	Description
2009 60	— Grape juice (including grape must):
2204 30	Other grape must:
	— — other
	— — — Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1% vol:
2204 30 92	— — — — concentrated
2204 30 94	— — — — other
	— — — other
2204 30 96	— — — — concentrated
2204 30 98	— — — — other

TITLE XVI

Raw tobacco*Article 22*

The products listed in Article 1 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco⁽²⁾, shall be imported free of customs duties.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1. Regulation as last amended by Regulation (EC) No 2199/97 (OJ L 303, 6. 11. 1997, p. 1).

⁽²⁾ OJ L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 2595/97 (OJ L 351, 23. 12. 1997, p. 11).

Article 23

If serious disturbances occur as a result of a large increase in duty-free imports of products falling within CN code 2401, originating in the ACP States, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Council may, without prejudice to Article 32, and acting by a qualified majority on a proposal from the Commission, take measures to counteract any deflection of trade.

TITLE XVII

Prepared or preserved potatoes*Article 24*

The customs duties applicable to imports of prepared or preserved potatoes, not frozen, other than in the form of flour, meal or flakes, falling within CN codes 2005 20 20 and 2005 20 80 shall be reduced by 16 %.

TITLE XVIII

Certain goods resulting from the processing of agricultural products*Article 25*

1. The products listed in Table 1 of Annex B to Council Regulation (EEC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾ shall be imported free of the *ad valorem* component of customs duties.

2. Moreover, for the following products the agricultural component or the specific rate of customs duties shall be suspended:

1702 50 00	Chemically pure fructose
1704 90 30	White chocolate
	Chocolate and other food preparations containing cocoa:
ex 1806 20	— Preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg (except products falling within CN code 1806 20 70)
1806 31 00	— Other, in blocks, slabs or bars
1806 32	filled or not filled
1806 90 11	— Other chocolate and chocolate products, sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa
1806 90 19	
1806 90 31	
1806 90 39	
1806 90 50	
ex 1901	Food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:
	— Whether or not containing less than 1,5 % by weight of milk fat, with a starch or flour content of 50 % or over but of less than 75 % by weight.

⁽¹⁾ OJ L 318, 20. 12. 1993, p. 18.

1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms.
	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.
ex 1905 30	Sweet biscuits, waffles and wafers:
	— Biscuits
ex 1905 40	— Rusks, toasted bread and similar toasted products, excluding ship's biscuit.
ex 1905 90	— Other:
	— Biscuits
2008 99 85	Maize (corn), otherwise prepared or preserved, without the addition of sugar or alcohol, other than sweetcorn (<i>Zea mays var. saccharata</i>).
2101 12 98	Preparations with a basis of coffee.

TITLE XIX

Other markets subject to common organization*Article 26*

The products referred to in the following Regulations shall be admitted free of customs duties:

- Council Regulation (EEC) No 234/68 of 27 February 1968 on the establishment of a common organisation of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽¹⁾;
- Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organisation of the market in certain products listed in Annex II to the Treaty ⁽²⁾;
- Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organisation of the market in flax and hemp ⁽³⁾;
- Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organisation of the market in hops ⁽⁴⁾;
- Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds ⁽⁵⁾;
- Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder ⁽⁶⁾.

TITLE XX

Provisions relating to the French overseas departments*Article 27*

1. Subject to paragraphs 3, 4 and 5, customs duties shall not be applied to imports into the French overseas departments of the products listed below originating in the ACP States or in the overseas countries and territories:

⁽¹⁾ OJ L 55, 2. 3. 1968, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ L 151, 30. 6. 1968, p. 16. Regulation as last amended by Regulation (EC) No 195/96 (OJ L 26, 2. 2. 1996, p. 13).

⁽³⁾ OJ L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ L 349, 31. 12. 1994, p. 105).

⁽⁴⁾ OJ L 175, 4. 8. 1971, p. 1. Regulation as last amended by Regulation (EC) No 1554/97 (OJ L 208, 2. 8. 1997, p. 1).

⁽⁵⁾ OJ L 246, 5. 11. 1971, p. 1. Regulation as last amended by Regulation (EC) No 192/98 (OJ L 20, 27. 1. 1998, p. 16).

⁽⁶⁾ OJ L 63, 21. 3. 1995, p. 1. Regulation as last amended by Regulation (EC) No 1347/95 (OJ L 131, 15. 6. 1995, p. 1).

CN code	Description
0102	Live bovine animals, domestic species, other than pure-bred breeding animals:
0102 90	
0102 90 05	
0102 90 21	
0102 90 29	
0102 90 41	
0102 90 49	
0102 90 51	
0102 90 59	
0102 90 61	
0102 90 69	
0102 90 71	
0102 90 79	
0201	Meat of bovine animals fresh chilled or frozen
0202	
0206 10 95	
0206 29 91	
0709 90 60	Sweetcorn
0712 10 90	
1005 90 00	— Manioc (cassava) including yams:
0714 10 91	
0714 90 11	

2. Subject to paragraph 4, customs duty shall not be applied to direct imports into the overseas department of Réunion of rice falling within CN code 1006, excluding rice for sowing falling within CN code 1006 10 10.

3. If imports into the French overseas departments of maize originating in the ACP States or in the overseas countries and territories have exceeded 25 000 tonnes in a year and are causing or are likely to cause serious disturbances on those markets, the Commission shall, at the request of a Member State or on its own initiative, take the necessary measures.

Any Member State may, within three working days of notification of the measure taken by the Commission, refer that measure to the Council. The Council, acting by a qualified majority, may take a different decision within one month.

4. This Article shall apply to products which are intended for use in the overseas departments and are released on the market there. If necessary, measures to ensure this may be taken in accordance with the procedure laid down in Article 30.

5. The exemption from customs duty for products falling within CN codes 0714 10 91 and 0714 90 11 shall apply within the limits of an annual quota of 2 000 tonnes.

6. Within the limits of an annual quantity of 8 000 tonnes, the customs duty fixed pursuant to Article 10(1) of Regulation (EEC) No 1766/92 shall not be applied to imports into the overseas department of Réunion of wheat bran falling within CN code 2302 30, originating in the ACP States.

TITLE XXI

General and final provisions

Article 28

The reductions provided for by this Regulation shall be calculated on the basis of the rates of customs duties in the Common Customs Tariff.

Article 29

Insofar as the import arrangements set out in this Regulation provide for quantitative limits, imports of the products concerned which originate in the overseas countries and territories will be counted against these quantities. The using-up of these quantities will not however prevent placing in free circulation the products in question originating in the ACP States within the limits of the global quantities set out in this Regulation.

Article 30

1. If necessary, detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 or in the corresponding Articles of the other Regulations on the common organisation of agricultural markets, as the case may be.

2. In the case of meat and rice, these detailed rules shall relate in particular to:

- (a) the basis for calculation and the reference period to be used for fixing the amount by which import duties are to be reduced;
- (b) the arrangements for fixing the corresponding amount to be collected by the exporting country;
- (c) the issue of import licences and/or the introduction of import licence arrangements;
- (d) the forms of proof acceptable and checking procedures.

3. Without prejudice to paragraphs 1 and 2, provisions for the application of the tariff quotas, tariff ceilings and reference quantities provided for in Article 17, and amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and Taric codes or arising from the conclusion of agreements, protocols or exchanges of letters between the Community and the ACP States, shall be adopted by the Commission, assisted by the Customs Code Committee, in accordance with the procedure set out in paragraph 4 of this Article.

4. The Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;

- the Council, acting by a qualified majority, may take a different decision within the period referred to in the first indent.

5. The Committee may examine any question concerning the application of tariff quotas, tariff ceilings and reference quantities, which is raised by its chairman either at the latter's initiative or at the request of a Member State.

6. As soon as a tariff ceiling is reached, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the customs duties applicable to third countries in respect of imports of the products concerned.

Article 31

In the light of the economic development requirements of the French overseas departments the Council, acting in accordance with the procedure laid down in Article 43 of the Treaty, may alter the arrangements governing access to those departments' markets for the products covered by this Regulation.

Article 32

1. The safeguard clauses provided for in the Regulations on the common organization of agricultural markets and in the specific rules introduced under the common agricultural policy shall be applicable to the products covered by this Regulation.

2. As regards relations with the ACP States, the provisions of Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention⁽¹⁾ shall apply as complementary measures to the safeguard clauses pursuant to Chapter 1 of the third part of the Convention until 29 February 2000.

Article 33

Regulation (EEC) No 715/90 is hereby repealed.

Article 34

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1996.

⁽¹⁾ OJ L 358, 21. 12. 1990, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 July 1998.

For the Council

The President

W. MOLTERER

*ANNEX***LIST OF THE ACP STATES REFERRED TO IN ARTICLE 1**

Angola	Liberia
Antigua and Barbuda	Madagascar
Bahamas	Malawi
Barbados	Mali
Belize	Mauritania
Benin	Mauritius
Botswana	Mozambique
Burkina Faso	Namibia
Burundi	Niger
Cameroon	Nigeria
Cape Verde	Papua New Guinea
Central African Republic	Rwanda
Comoros	São Tomé and Príncipe
Congo	Senegal
Chad	Seychelles
Côte-d'Ivoire	Sierra Leone
Democratic Republic of Congo	Solomon Islands
Djibouti	Somalia
Dominica	Saint Kitts and Nevis
Dominican Republic	Saint Lucia
Equatorial Guinea	Saint Vincent and the Grenadines
Eritrea	Sudan
Ethiopia	Suriname
Fiji	Swaziland
Gabon	Tanzania
Gambia	Togo
Ghana	Tonga
Grenada	Trinidad and Tobago
Guinea	Tuvalu
Guinea Bissau	Uganda
Guyana	Vanuatu
Haiti	Western Samoa
Jamaica	Zambia
Kenya	Zimbabwe
Kiribati	
Lesotho	

COMMISSION REGULATION (EC) No 1707/98
of 31 July 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 July 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	71,6
	999	71,6
0709 90 70	052	40,3
	999	40,3
0805 30 10	382	61,4
	388	75,8
	524	67,3
	528	61,0
	999	66,4
0806 10 10	052	113,7
	400	292,6
	412	146,5
	600	85,9
	624	163,0
0808 10 20, 0808 10 50, 0808 10 90	999	160,3
	388	71,3
	400	71,9
	508	103,9
	512	69,4
	524	65,6
	528	88,0
	720	167,0
	800	142,8
	804	116,6
0808 20 50	999	99,6
	052	92,3
	388	89,2
	512	56,6
	528	103,6
0809 20 95	999	85,4
	052	512,3
	400	297,1
	404	367,1
	616	264,5
0809 40 05	999	360,3
	064	70,1
	066	58,6
	624	206,5
	999	111,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1708/98
of 31 July 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1581/98 ⁽³⁾, as amended by Regulation (EC) No 1670/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1581/98 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 1581/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 32.

⁽⁴⁾ OJ L 212, 30. 7. 1998, p. 5.

ANNEX

to the Commission Regulation of 31 July 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	40,29 ⁽¹⁾
1701 11 90 9910	39,66 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,29 ⁽¹⁾
1701 12 90 9910	39,66 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4380
	— ECU/100 kg —
1701 99 10 9100	43,80
1701 99 10 9910	43,80
1701 99 10 9950	43,80
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4380

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 1709/98**of 31 July 1998****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96 ⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to

one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

HAS ADOPTED THIS REGULATION:

exported in the natural state, shall be set out in the Annex hereto.

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81,

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 July 1998 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	43,80 ⁽²⁾
1702 60 10 9000	43,80 ⁽²⁾
1702 60 80 9100	83,22 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4380 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	43,80 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4380 ⁽¹⁾
1702 90 71 9000	0,4380 ⁽¹⁾
1702 90 99 9900	0,4380 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	43,80 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4380 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EC) No 1710/98
of 31 July 1998
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	5,26	0,00
1001 90 91	Common wheat seed	51,31	41,31
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	51,31	41,31
	medium quality	77,62	67,62
	low quality	98,71	88,71
1002 00 00	Rye	100,24	90,24
1003 00 10	Barley, seed	100,24	90,24
1003 00 90	Barley, other ⁽³⁾	100,24	90,24
1005 10 90	Maize seed other than hybrid	104,51	94,51
1005 90 00	Maize other than seed ⁽³⁾	104,51	94,51
1007 00 90	Grain sorghum other than hybrids for sowing	111,09	101,09

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 17 July 1998 to 30 July 1998)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	109,19	95,09	87,77	80,56	169,36 ⁽¹⁾	74,38 ⁽¹⁾
Gulf premium (ECU/tonne)	—	10,96	— 2,82	9,45	—	—
Great Lakes premium (ECU/tonne)	14,12	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,08 per tonne; Great Lakes — Rotterdam: ECU 20,12 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 1711/98
of 31 July 1998

**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments ⁽¹⁾, as last amended by
Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article
2 (6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No 391/
92 ⁽³⁾, as last amended by Regulation (EC) No 1344/98 ⁽⁴⁾;
whereas, as a consequence of the changes of the rates and
prices for cereals products in the European part of the
Community and on the world market, the aid for supply

to the FOD should be set at the amounts given in the
Annex;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 8.

ANNEX

to the Commission Regulation of 31 July 1998 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	38,00	38,00	38,00	41,00
Barley (1003 00 90)	52,00	52,00	52,00	55,00
Maize (1005 90 00)	52,00	52,00	52,00	55,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1712/98
of 31 July 1998
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 1342/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 4.

ANNEX

to the Commission Regulation of 31 July 1998 amending Regulation (EEC)
No 1832/92 setting the amounts of aid for the supply of cereals products from the
Community to the Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	35,00
Barley	(1003 00 90)	49,00
Maize	(1005 90 00)	49,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	38,00

COMMISSION REGULATION (EC) No 1713/98
of 31 July 1998
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 1343/98 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 76, 13. 3. 1998, p. 6.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 6.

ANNEX

to the Commission Regulation of 31 July 1998 amending Regulation (EEC)
No 1833/92 setting the amounts of aid for the supply of cereals products from the
Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	35	35
Barley (1003 00 90)	49	49
Maize (1005 90 00)	49	49
Durum wheat (1001 10 00)	8	8

COMMISSION REGULATION (EC) No 1714/98**of 31 July 1998****fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national

food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

Whereas the measures provided for this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 31 July 1998 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	32,00
1002 00 00 9000	55,00
1003 00 90 9000	46,00
1004 00 00 9400	35,00
1005 90 00 9000	46,00
1006 30 92 9100	137,00
1006 30 92 9900	137,00
1006 30 94 9100	137,00
1006 30 94 9900	137,00
1006 30 96 9100	137,00
1006 30 96 9900	137,00
1006 30 98 9100	137,00
1006 30 98 9900	137,00
1006 40 00 9000	—
1007 00 90 9000	46,00
1101 00 15 9100	38,00
1101 00 15 9130	38,00
1102 20 10 9200	64,68
1102 20 10 9400	55,44
1102 30 00 9000	—
1102 90 10 9100	48,63
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	83,16
1103 14 00 9000	—
1104 12 90 9100	52,74
1104 21 50 9100	64,84

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1715/98**of 31 July 1998****fixing the rates of refunds applicable to certain products from the sugar sector
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds ⁽³⁾ as last amended by Regulation (EC) No 1352/98 ⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96 ⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 31 July 1998 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,57	5,57
— in all other cases	43,80	43,80
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,12	5,12
— in all other cases	40,30	40,30
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{5,57^{(1)} \times S^{(1)}}{100}$	$\frac{5,57^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{43,80^{(1)} \times S^{(1)}}{100}$	$\frac{43,80^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,57 ⁽³⁾	5,57 ⁽³⁾
— in all other cases	43,80 ⁽³⁾	43,80 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup:

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 1716/98

of 31 July 1998

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1352/98 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, as last amended by Regulation (EC) No 1550/98 ⁽⁸⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

⁽⁸⁾ OJ L 202, 18. 7. 1998, p. 27.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 31 July 1998 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 74,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported (b) On exportation of other goods	69,03 102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	45,00 177,25 170,00

COMMISSION REGULATION (EC) No 1717/98**of 31 July 1998****altering the corrective amount applicable to the refund on cereals**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1699/98 ⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

Whereas the corrective amount must be fixed according to the same procedure as the refund; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 961/98 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 214, 31. 7. 1998, p. 52.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 31 July 1998 altering the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12	5th period 1	6th period 2
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	-1,00	-5,00	-7,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	0	0
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1718/98
of 31 July 1998
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 1048/98⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which do not conform to the rights

established by this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission
Mario MONTI
Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.
⁽²⁾ OJ L 151, 21. 5. 1998, p. 1.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

ANNEX

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
Device for receiving digital satellite signals with 30 audio channels and for transferring the signals to further connected apparatus by cable. The signals are received by an aerial The device is not capable of producing an audible audio programme at its output	8527 39 91	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 8527, 8527 39 and 8527 39 91

COMMISSION REGULATION (EC) No 1719/98
of 31 July 1998
amending for the 5th time Regulation (EC) No 1370/95 laying down detailed rules
for implementing the system of export licences in the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 8(2) and 13(12) thereof,

Whereas Commission Regulation (EC) No 1370/95 ⁽³⁾, as last amended by Regulation (EC) No 540/98 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the pigmeat sector;

Whereas the extension of the list of products, for which an export refund may be granted in the pigmeat sector, makes it necessary to adapt the product codes listed in Annex I to Regulation (EC) No 1370/95 and the rates of the security;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1370/95 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply to export licences applied for as from 3 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 133, 17. 6. 1995, p. 9.

⁽⁴⁾ OJ L 70, 10. 3. 1998, p. 6.

ANNEX

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (ECU/100 kg) Net weight
0203 11 10 9000 0203 21 10 9000	1	6
0203 12 11 9100 0203 12 19 9100 0203 19 11 9100 0203 19 13 9100 0203 19 55 9110 0203 22 11 9100 0203 22 19 9100 0203 29 11 9100 0203 29 13 9100 0203 29 55 9110	2	6
0203 19 15 9100 0203 19 55 9310 0203 29 15 9100	3	4
0210 11 31 9110 0210 11 31 9910	4	20
0210 12 19 9100	5	5
0210 19 81 9100	6	23
0210 19 81 9300	7	18
1601 00 91 9000	8	8
1601 00 99 9110	9	4
1602 41 10 9210	10	15
1602 42 10 9210	11	11
1602 49 19 9120	12	5

⁽¹⁾ Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), Section 6.

COMMISSION REGULATION (EC) No 1720/98
of 31 July 1998
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular the second paragraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas, in the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take

this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 1353/98⁽⁴⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ L 184, 27. 6. 1998, p. 29.

ANNEX

to the Commission Regulation of 31 July 1998 fixing the export refunds on pigmeat

<i>(ECU/100 kg net weight)</i>			<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
0203 11 10 9000	01	30,00	0203 29 15 9100	01	19,00
0203 12 11 9100	01	30,00	0203 29 55 9110	01	30,00
0203 12 19 9100	01	30,00	0210 11 31 9110	01	90,00
0203 19 11 9100	01	30,00	0210 11 31 9910	01	90,00
0203 19 13 9100	01	30,00	0210 12 19 9100	01	20,00
0203 19 15 9100	01	19,00	0210 19 81 9100	01	95,00
0203 19 55 9110	01	30,00	0210 19 81 9300	01	76,00
0203 19 55 9310	01	19,00	1601 00 91 9000	01	28,00
0203 21 10 9000	01	30,00	1601 00 99 9110	01	25,00
0203 22 11 9100	01	30,00	1602 41 10 9210	01	62,00
0203 22 19 9100	01	30,00	1602 42 10 9210	01	34,00
0203 29 11 9100	01	30,00	1602 49 19 9120	01	25,00
0203 29 13 9100	01	30,00			

⁽¹⁾ The destinations are as follows:

01 All third countries.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1721/98

of 31 July 1998

fixing the reduction coefficients for the determination of the quantity of bananas to be allocated to each operator in categories A and B from the tariff quota for 1998

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, pursuant to Article 6 of Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, the Commission, depending on the annual tariff quota and the total reference quantities of operators determined pursuant to Articles 3 and following of that Regulation, is to fix, where appropriate, a single reduction coefficient for each category of operators to be applied to operators' reference quantities to determine the quantity to be allocated to each for the year in question;

Whereas, pending the adaptation of the volume of the tariff quota as a result of the accession of Austria, Finland and Sweden and the results of additional verifications concerning certain information communicated by Member States, Commission Regulation (EC) No 2071/97 ⁽⁵⁾, for the purposes of implementing Article 6 of Regulation (EEC) No 1442/93, provisionally fixes the reduction coefficients to be applied to the reference quantity of each operator in categories A and B, on the basis of a tariff quota volume of 2 200 000 tonnes for 1998;

Whereas the volume of the tariff quota was subsequently fixed at 2 553 000 tonnes for 1998 by Commission Regulation (EC) No 1645/98 ⁽⁶⁾; whereas, however, the special quantity of 16 500 tonnes reserved for cases of extreme

hardship must not be taken into account for the calculation of the reduction coefficients in question;

Whereas, on that basis and taking account of the additional verifications carried out since the adoption of Regulation (EC) No 2071/97, the new coefficients for 1998 should be determined; whereas, for the sake of clarity, Regulation (EC) No 2071/97 should be repealed;

Whereas the provisions of this Regulation must enter into force immediately, given the time limits laid down in Regulation (EEC) No 1442/93;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity to be allocated to each operator in categories A and B in respect of the period 1 January to 31 December 1998 within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the operator's reference quantity, determined in accordance with Article 5 of Regulation (EEC) No 1442/93, the following single reduction coefficients:

- for each category A operator: 0,860438,
- for each category B operator: 0,527418.

Article 2

Regulation (EC) No 2071/97 is hereby repealed.

Article 3

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ L 291, 24. 10. 1997, p. 1.

⁽⁶⁾ OJ L 210, 28. 7. 1998, p. 53.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 July 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COUNCIL REGULATION (EC) No 1722/98

of 30 July 1998

amending the Annex to Regulation (EC) No 2632/97 temporarily suspending some or all of the autonomous Common Customs Tariff duties on certain fishery products (1998)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas the Community relies at present on imports from non-member countries for supplies of certain fishery products; whereas it is in the interest of the Community to suspend partially or totally the customs duties for these products; whereas, in order to avoid endangering the prospects for developing the production of competitive products in the Community while ensuring that the industries concerned receive the necessary supplies, it is advisable to adopt these suspension measures only from 1 August to 31 December 1998;

Whereas it is for the Community to decide to suspend these autonomous duties; whereas the Annex to Regulation (EC) No 2632/97⁽¹⁾ should be amended in consequence,

Article 1

1. From 1 August to 31 December 1998 the autonomous Common Customs Tariff duties on 'fillets and meat of Alaska pollack (*Theragra chalcogramma*), in the form of industrial blocks, frozen, for processing (a) (b)' (TARIC codes ex 0304 20 85*10 and ex 0304 90 61*10) are hereby suspended at the level of 3 %.

2. Imports of these products shall qualify for the suspension referred to in paragraph 1 only provided that the free-at-frontier price laid down by the Member States, in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽²⁾, is not lower than the reference price fixed or to be fixed by the Community for the products or categories of products in question.

Article 2

This Regulation shall enter into force on 1 August 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1998.

*For the Council**The President*

W. SCHÜSSEL

⁽¹⁾ OJ L 356, 31. 12. 1997, p. 9.

⁽²⁾ OJ L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EEC) No 3318/94 (OJ L 350, 31. 12. 1994, p. 15).

COUNCIL DIRECTIVE 98/55/EC

of 17 July 1998

amending Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 84(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189(c) of the Treaty ⁽³⁾,

Whereas Directive 93/75/EEC ⁽⁴⁾ does not explicitly mention provisions applicable to the carriage by sea of the radioactive materials referred to in Resolution A.748(18) of the International Maritime Organisation (IMO) concerning the Code for the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive wastes in flasks on board ships (INF Code);

Whereas there is a need to enhance safety at sea and to prevent pollution of the sea in connection with the transport of irradiated nuclear fuel, plutonium and high-level radioactive waste;

Whereas it is essential, for reasons of clarity, that the INF Code is included in the list of international Conventions, Codes and Resolutions referred to in Article 2 of the Directive; whereas that clarification will enable the competent authorities to obtain the relevant information as to the nature of radioactive materials carried and their location on board ships and thus help prevent and minimize the risk of accidents involving ships transporting such materials;

Whereas the notification of the INF Class of the ship, which refers to the total radioactive quantity which may

be carried on board, will provide more detailed information to the relevant competent authorities, and thus contribute to improving their response in case of an accident or incident at sea involving radioactive materials;

Whereas it should be possible to amend Annexes I and II to Directive 93/75/EEC, through a simplified procedure, in line with developments in international law and, in particular, with amendments to international conventions, codes and resolutions not referred to in Article 2 of the Directive which have entered into force since the Directive was adopted; whereas, however, these amendments should neither broaden the scope of this Directive, nor alter the reporting requirements as described in the Directive, and in particular should not lead to extending the reporting requirements of the Directive to transiting ships; whereas the procedure provided for in Article 12 of the Directive appears to be the most appropriate way of introducing such amendments; whereas Article 11 should be supplemented to that effect;

Whereas the contents of Annexes I and II to Directive 93/75/EEC should be amended to take account of the amendments to international conventions, codes and resolutions not referred to in Article 2 thereof which have entered into force since the Directive was adopted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/75/EEC is hereby amended as follows:

1. in Article 2:

— the following shall be inserted in paragraph (c), after the words 'IMDG Code':

'including radioactive materials as referred to in the INF Code,'

— the following paragraph shall be inserted:

'(i) "INF Code" means the IMO code for the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive wastes in flasks on board ships, as it is in force on 1 January 1998;'

— paragraphs (i), (j) and (k) shall become paragraphs (j), (k) and (l) respectively;

⁽¹⁾ OJ C 334, 8. 11. 1996, p. 11, and OJ C 264, 30. 8. 1997, p. 4.

⁽²⁾ OJ C 133, 28. 4. 1997, p. 7.

⁽³⁾ Opinion of the European Parliament delivered on 24 April 1997 (OJ C 150, 19. 5. 1997, p. 31), Council Common Position of 11 December 1997 (OJ C 23, 23. 1. 1998, p. 6). Decision of the European Parliament of 11 March 1998 (OJ C 104, 6. 4. 1998).

⁽⁴⁾ OJ L 247, 5. 10. 1993, p. 19. Directive as last amended by Commission Directive 97/34/EC (OJ L 158, 17. 6. 1997, p. 40).

2. in Article 11:

- in the first indent, '(e), (f), (g), (h) and (i)' shall be replaced by '(e), (f), (g), (h), (i) and (j)',
- the following indent shall be added:
 - ‘— amend the Annexes to this Directive in line with the relevant subsequent amendments to international conventions, codes and resolutions on safety at sea and the protection of the marine environment which have entered into force, without broadening its scope.’;

3. Annexes I and II shall be replaced by the Annex to this Directive.

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accom-

panied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the basic provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 17 July 1998.

For the Council

The President

W. RUTTENSTORFER

*ANNEX**ANNEX I***Information on vessels carrying dangerous or polluting goods***(Article 5)*

1. Name and call sign of the vessel and, where appropriate, its IMO identification number
 2. Nationality of the vessel
 3. Length and draught of the vessel
 4. Port of destination
 5. Estimated time of arrival at the port of destination or pilot station, as required by competent authority
 6. Estimated time of departure
 7. Intended route
 8. The correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the vessel as defined by the INF Code, the quantities of such goods and their location on board and, if in portable tanks or freight containers, their identification marks
 9. Confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location of the vessel is on board
 10. Number of crew on board
-

ANNEX II

CHECK LIST FOR VESSELS

(Article 6(3), Article 8 and Annex III)

A. Vessel identification

Name of vessel:	Owner:	Year built:	
.....			
Flag:		Gross tonnage:	
.....			
Port of registry:	Length overall:		
.....			
Distinctive letters or numbers (Call sign):	IMO identification number, where appropriate:		
.....			
Classification society:	Sea areas in which the ship is certified to operate:		
.....			
Class notation:	Hull:	Machinery:	
.....			
Propulsion machinery:		Output:	
.....			
Agent:			
.....			
Draught:	Forward:	Amidships:	Aft:
.....			
Volume/mass of dangerous or polluting cargo:			
.....			

B. Safety installations aboard

	In good working order		Deficiencies
	Yes	No	
1. Construction and technical equipment			
Main and auxiliary engines	☐	☐	
Main steering gear	☐	☐	
Auxiliary steering gear	☐	☐	
Anchor gear	☐	☐	
Fixed fire-extinguishing system	☐	☐	
Inert gas system (if applicable)	☐	☐	

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 July 1998

amending Decision 94/652/EC establishing the inventory and distribution of tasks to be undertaken within the framework of cooperation by Member States in the scientific examination of questions relating to food

(notified under document number C(1998) 2055)

(Text with EEA relevance)

(98/479/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/5/EEC of 25 February 1993 on assistance to the Commission and cooperation by the Member States in the scientific examination of questions relating to food ⁽¹⁾, and in particular Article 3 thereof,

Whereas Commission Decision 94/458/EC ⁽²⁾ has laid down rules on the administrative management of cooperation in the scientific examination of questions relating to food;

Whereas Commission Decision 94/652/EC ⁽³⁾ has established the inventory and distribution of tasks to be undertaken within the framework of cooperation by Member States in the scientific examination of questions relating to food; whereas Article 3 of Directive 93/5/EEC provides for the updating at least every six months of the inventory and distribution of tasks;

Whereas the inventory of tasks should be established and updated having regard to the need for the protection of public health within the Community and the requirements of Community legislation in the foodstuffs sector;

Whereas the tasks should be distributed having regard to the scientific expertise and resources available within the Member States and in particular, within the institutes which will be participating in the scientific cooperation;
Whereas the measures provided for by this Decision are in accordance with the opinion of the Standing Committee for Food,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 94/652/EC establishing the inventory and distribution of tasks to be undertaken within the framework of cooperation by Member States in the scientific examination of questions relating to food is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 52, 4. 3. 1993, p. 18.

⁽²⁾ OJ L 189, 23. 7. 1994, p. 84.

⁽³⁾ OJ L 253, 29. 9. 1994, p. 29.

ANNEX

**Inventory of tasks to be undertaken by Member States within the framework of cooperation by the
Member States in the scientific examination of questions relating to food**

Subject, nature and extent of the task	Member States to which the task is distributed	Time limit for completion
1. Flavouring substances 1.1. <i>Chemically defined flavouring substances</i> — To prepare reports for the safety evaluation of chemically defined flavouring substances — To establish and maintain a physical and electronic archive of the available toxicological and exposure data for the substances concerned	Denmark (coordinator) Germany, Spain, France, Ireland, Italy, Netherlands, Sweden, United Kingdom	31 December 2000
2. Microbiology 2.3. <i>Microbiological risk assessment</i> Collection from participating Member States of information on methodology and data to underpin a process for microbiological risk assessment at the European level	France (coordinator) Belgium, Denmark, Germany, Spain, Ireland, Italy, Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom ⁽¹⁾	31 March 1999
3. Contaminants 3.1. <i>General questions</i> 3.1.1. <i>Unscheduled and urgent questions</i> To coordinate the collection of data in the Member States required for risk assessment by the Scientific Committee for Food in response to unscheduled and urgent questions related to food contaminants 3.2. <i>Specific questions</i> 3.2.5. Preparation of a working document in support of a EU risk evaluation on dioxins and related PCBs as food contaminants, covering the estimated dietary intakes in individual Member States 3.2.6. Provision of validated methods to support the SCF recommendations regarding 3-monochloropropanediol (3-MCPD) in hydrolysed vegetable protein (HVP) and other foods	Italy, United Kingdom (overall coordinators) All the Member States ⁽¹⁾ Netherlands, Sweden (overall coordinators) Belgium, Denmark, France, Italy, Finland, United Kingdom ⁽¹⁾ United Kingdom (coordinator) Denmark, Germany, Greece, Spain, Italy, Austria ⁽¹⁾	31 December 1999 31 December 1999 30 June 2000
6. Novel foods 6.1. Collection of data on potential adverse effects of novel micro-organisms, including those which are genetically modified, on intestinal flora	Ireland (coordinator) Denmark, Germany, Spain, Italy, Netherlands, United Kingdom ⁽¹⁾	31 December 1998
8. Packaging materials 8.1. Preparation of summary data sheets or reports for the risk assessment of the substances used for or present in food contact materials	Netherlands (coordinator) Denmark, Germany, France, Italy, Finland, Sweden, United Kingdom ⁽¹⁾	31 December 2002

⁽¹⁾ Norway participates in this task.

COMMISSION RECOMMENDATION

of 22 July 1998

concerning good environmental practice for household laundry detergents

(notified under document number C(1998) 2163)

(98/480/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 155, second indent, thereof,

Whereas detergents and cleaning products are already subject to certain Community provisions concerning the manufacture, proper handling, usage and labelling, in particular with reference to Council Directive 73/404/EEC of 22 November 1973 on the approximation of the laws of the Member States relating to detergents⁽¹⁾, as last amended by Directive 86/94/EEC⁽²⁾, and Commission Recommendation 89/542/EEC of 13 September 1989 for the labelling of detergents and cleaning products⁽³⁾;

Whereas Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽⁴⁾, as last amended by Directive 96/65/EC⁽⁵⁾, shall apply to detergents classified as dangerous within the meaning of Article 3 of the abovementioned Directive;

Whereas the actions envisaged in this recommendation are without prejudice to the requirements set out in European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste⁽⁶⁾;

Whereas separate Community requirements apply to cosmetic products, which are not covered by this recommendation;

Whereas the ecological criteria for the award of the Community eco-label to laundry detergents established by Commission Decision 95/365/EC⁽⁷⁾ are different from the present recommendation, so manufacturers should give due consideration to applying for the European Community eco-label in addition to complying with this recommendation;

Whereas the Commission has established guidelines for the effective use of environmental agreements in a communication to the Council and the European Parliament⁽⁸⁾; whereas the Council and the European Parlia-

ment, in their resolutions of 17 July 1997 and of 7 October 1997 on environmental agreements, have recognised that such agreements may be a valuable instrument to make optimum use of industry's own responsibility⁽⁹⁾;

Whereas the Commission considers that, in order to enhance the effectiveness and to guarantee the transparency and credibility of this industry commitment recognised by the Commission through a Commission recommendation, all the interested parties are to be consulted on the recommendation and in particular on its implementation and the results achieved;

Whereas the reduction of washing temperatures would decrease energy consumption and thus decrease CO₂ emissions;

Whereas reducing the consumption of detergents and their packaging is likely to lower the general environmental impact related to detergents;

Whereas the reduction of the poorly biodegradable ingredients in detergents will reduce the effects of detergents on the environment;

Whereas industry elaborated a code of conduct in order to improve the information available to consumers to ensure proper usage and in particular the dosing of detergents by more detailed labelling, educational advertising and other programmes aimed at increasing consumer awareness, to save resources and to bring about a direct positive impact on water quality and on the environment in general;

Whereas there are, within each Member State, national associations which represent the great majority of the undertakings in the detergents and cleaning products industry in that Member State, each of which is a member of the AISE (Association internationale de la savonnerie, de la détergence et des produits d'entretien) and which have committed themselves to implement this Commission recommendation;

Whereas the AISE, which represents over 90 % of the detergent and cleaning product industries in the Community, has committed itself to ensure compliance with this recommendation in cooperation with the national associations;

⁽⁹⁾ OJ C 286, 22. 9. 1997, p. 254 and OJ C 321, 22. 10. 1997, p. 6.

⁽¹⁾ OJ L 347, 17. 12. 1973, p. 51.

⁽²⁾ OJ L 80, 25. 3. 1986, p. 51.

⁽³⁾ OJ L 291, 10. 10. 1989, p. 55.

⁽⁴⁾ OJ L 187, 16. 7. 1988, p. 14.

⁽⁵⁾ OJ L 265, 18. 10. 1996, p. 15.

⁽⁶⁾ OJ L 365, 31. 12. 1994, p. 10.

⁽⁷⁾ OJ L 217, 13. 9. 1995, p. 14.

⁽⁸⁾ COM(96) 561 final of 27 November 1996.

Whereas non-AISE members who are selling, marketing or producing household laundry detergents within the European Community and the European Economic Area may also participate in this undertaking;

Whereas the results achieved under this recommendation should be communicated to the European Parliament, to the Council and to the public, in line with the Commission communication on environmental agreements;

Whereas the implementation of this Commission recommendation should be assured on the one hand by the undertaking to the Commission by the AISE to ensure compliance with the provisions of this recommendation and on the other hand by the national associations who will cooperate with the authorities of the Member States in order to ensure the implementation of these provisions;

Whereas this recommendation should be implemented as soon as possible in order to reduce the environmental impact related to the use of household detergents;

Whereas further efforts by producers and consumers will be necessary to achieve sustainable development,

HEREBY RECOMMENDS:

Article 1

For the purpose of this recommendation 'household laundry detergents' means products sold to the general public which are intended for washing domestic laundry.

Article 2

The total amount of energy used per wash cycle for the product group as defined in Article 1 should be reduced by 5 % by the year 2002 compared with 1996.

Article 3

The consumption per capita in the European Community of the product group as defined in Article 1 should be reduced by 10 % by the year 2002 compared with 1996.

Article 4

The consumption per capita of the primary and secondary packaging of the product group as defined in Article 1 should be reduced by 10 % by the year 2002 compared with 1996.

Article 5

The content of all poorly biodegradable organic ingredients, as defined in the Annex should be decreased by 10 % for the product group as defined in Article 1 by the year 2002 compared with 1996.

Article 6

Without prejudice to Council Directive 84/450/EEC⁽¹⁾ concerning misleading advertising, consumers should be provided with information designed to encourage the correct use of household laundry detergents.

Article 7

In order to monitor the progress of this recommendation, statistics will be collected in the Member States. The collected statistics should be reported to the Commission and respectively to the national authorities. The information and the data to be collected as well as the process for data collection and verification are defined in the Annex.

The national associations of the AISE and the AISE itself will provide for an outside organisation to collect and process statistics.

Article 8

For the purpose of the implementation of this recommendation, the national authorities should cooperate with the national members of the AISE.

Article 9

Every two years, until the goals set by the recommendation are reached, the Commission will hold consultations with the Member States, the AISE and Consumer Committee⁽²⁾ on the state of implementation of this recommendation. The Commission will inform the Council and the European Parliament accordingly and make the information publicly available.

Done at Brussels, 22 July 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 250, 19. 9. 1984, p. 17, Directive as last amended by Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997, OJ L 290, 23. 10. 1997, p. 18.

⁽²⁾ OJ L 162, 13. 7. 1995, p. 37.

ANNEX

The AISE and its national member associations will collect all necessary data and monitor the implementation of this recommendation. For this purpose the national member associations of AISE may cooperate with the national authorities. The reference basis for the implementation of the aims of this recommendation is the year 1996.

The following data will be collected for each national market:

Product consumption

The companies will provide the total detergent consumption (in tonnes/year) of household laundry detergents (solid and liquid) for each calendar year. Consumption means the tonnes of detergent sold on each national market.

Packaging consumption

The companies will provide the total consumption (in tonnes/year) of packaging associated with the abovementioned detergent consumption for each calendar year. Consumption means the tonnes of packaging used on each national market.

Poorly biodegradable organic ingredients

The companies will provide the total consumption of poorly biodegradable organic ingredients⁽¹⁾ (in tonnes/year) associated with the abovementioned detergent consumption (solid and liquid) for each calendar year. Consumption means the tonnes of poorly biodegradable organics in detergents sold on each national market.

Energy consumption

The reduction of energy consumption per wash load will be defined on the basis of the change of temperature distribution of wash cycles. The AISE will set up appropriate and representative habit studies on a European basis in order to find the temperature profile for each Member State.

The statistics will be collected in Member States to be reported through the AISE to the Commission every second year, except on energy consumption which will be provided only for 1996 and again in the year 2002. The first report with the data for the reference basis of 1996 will be presented to the Commission in September 1998.

The first progress report covering 1997 and 1998 will be presented to the Commission in September 1999. The reports to the Commission will include the data for each Member State and the average data for the EU.

The compliance with the aims of this recommendation will be judged by the weighted average data for the EU.

With the first report the AISE will present to the Commission a list of companies implementing the recommendation in each Member State.

The collection and verification of data will be executed by an independent body with suitable expertise. Confidentiality of the data of individual companies shall be guaranteed by the independent body.

⁽¹⁾ Poorly biodegradable organic ingredients are those which fail to biodegrade by more than 70 % in SCAS or Zahn Wellens biodegradability test as defined under C.12. and C.9 of Annex V to Directive 67/548/EEC (OJ 196, 16. 8. 1967, p. 1), as last amended by Directive 92/32/EEC (OJ L 154, 5. 6. 1992).